

JOHN H. HODGES.

[To accompany bill H. R. No. 831.]

MARCH 1, 1843.

MR. CHILDS, from the Committee on Commerce, submitted the following

REPORT:

The Committee on Commerce, to whom was referred the petition of John H. Hodges, of Baltimore, praying to have refunded to him a sum of money which he was unlawfully compelled to pay by a consul of the United States, report:

That the complaint of the petitioner, as established by papers accompanying his petition, is, that his ship, the *Ulysses*, of Baltimore, in consequence of damages incurred in the prosecution of her return voyage home from Rotterdam, was compelled to put into Plymouth, England, in such a leaky condition that, upon examination and survey, under authority there had, she was regularly condemned as unworthy of repairs, and publicly sold on account of whom it might concern; that, thereupon, the consul of the United States at the port of Plymouth, Thoms W. Fox, compelled the captain of the *Ulysses* to advance three months' extra wages, to be paid to such of her crew as claimed to be citizens of the United States, amounting to the sum of eighty-seven pounds fifteen shillings sterling, or \$438 75 at the then rate of exchange; the consul insisting that the act of Congress approved 28th February, 1803, entitled "An act supplementary to an act concerning consuls and vice-consuls," required this payment to be made by the owner of the *Ulysses*.

The petitioner insists that this act of Congress does not apply to such a case; that it applies exclusively to voluntary sales of vessels in foreign ports, after they have earned wages, and freight, "the mother of wages." In support of this position, the petitioner refers to two opinions of the Attorneys General of the United States, given officially on this very point, arising under the same law. One of the opinions is dated in the year 1804, the other in the year 1831—to be found in the printed volume containing the "opinions of the Attorneys General of the United States," at pages 94 and 811.

These official opinions of high officers of this Government, whose duty it is to expound the laws, so fully examine into this question, and so clearly decide it against the construction of the consul, and in favor of that set up by the petitioner, that the committee deem it useless to adduce further remarks to show that the petitioner has been illegally required by the consul of the United States to pay the above-mentioned sum of money.

The committee do, therefore, herewith report a bill to refund to the petitioner the sum of money so as aforesaid paid by him.

